

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES WOOD,

Plaintiff,

v.

ARCHDIOCESE OF PORTLAND IN OREGON
and ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON,

Defendants.

3:11-CV-1126-PK

OPINION AND
ORDER

PAPAK, Magistrate Judge:

Plaintiff James Wood filed this action against defendants the Archdiocese of Portland in Oregon and the Roman Catholic Archbishop of Portland in Oregon on September 19, 2011. This court has jurisdiction over plaintiff's action pursuant to 28 U.S.C. § 1334(b), based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject

to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the defendants through 2023.

Now before the court is the defendants' unopposed motion (#35) to approve the settlement of plaintiff's claims and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

Plaintiff and the defendants underwent mediation of their dispute on October 29, 2012, resulting in an agreement providing for final settlement of plaintiff's claims. If the parties' settlement is approved, Wood will receive \$163,064.75 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to plaintiff out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archdiocese and Archbishop, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On December 3, 2012, defendants served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed December 26, 2011. No objection to this motion has been filed.

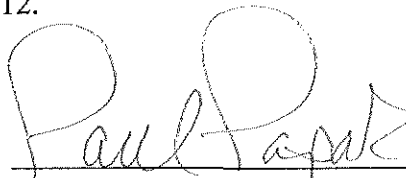
In the absence of objection by any interested party, and in consideration of the size of the payment at issue relative to the amount remaining in the future trust fund, I find no reason exists

to refuse approval of the parties' settlement. The defendants' motion is therefore granted, and the subject settlement approved.

CONCLUSION

For the reasons set forth above, the motion (#35) to approve the settlement of plaintiff's claims against the defendants and to approve payment from the future claims trust is granted, the settlement agreed to by plaintiff and the defendants is approved, and payment to plaintiff of \$163,064.75 from the future claims trust is authorized. All pending motions are denied as moot.

Dated this 31st day of December, 2012.

A handwritten signature in black ink, appearing to read "Paul Papak", written over a horizontal line.

Honorable Paul Papak
United States Magistrate Judge